

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No. _____

Application No.: 10/627,034
Filing Date: July 24, 2003
Applicant: Michael L. Crabtree
Group Art Unit: 3716
Examiner: Mariano Ong SY
Title: AIRSPRING SLEEVE
Attorney Docket: 05-0901 (8470-000118)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

REMARKS

Claims 1-3, 12, and 15 are not unpatentable under 35 U.S.C. § 103 over Warmuth, II et al (USPN 4741517) in view of Hirtreiter et al (USPN 3897941)

In the Appeal Brief Applicant argued that “the Office Action relies on the helix angle of the steel wire cords 17 of the connecting portion 13 for allegedly teaching that the helix angles of the inner cords of Warmuth, II et al can be larger than the helix angle of the outer cords. However, the Office action ignores that the function of the steel wire cords 17 of the connecting portion 13 (of Hirtreiter '941) is entirely different that the fabric cords 29, 31 of Warmuth, II et al. The purpose of the connecting portion 13 of Hirtreiter is specifically disclosed as being ‘a non-flexing generally cylindrical connecting portion13.’” (See Appeal Brief, page 5, lines 15-21).

In response, the Examiner's Answer states “nothing in the Applicant's claim language claiming the degree of flexing, rigidity or non-flexing of the air spring sleeve comprising the elastomer body having the first cord and the second cord. Applicants' arguments are more specific than the claim language.” (See Examiner's Answer, page 5). However, Applicants arguments are related to the improper combination of the references and not to any particular claim language. In particular, one having ordinary skill in the art would not have looked to the non-flexing steel wire cords 17 of Hirtreiter to modify the flexible cords of Warmuth, II et al '517. The invention of claim 1 accounts for a torsional imbalance that exists in prior art air spring sleeves. There is no apparent reason from the cited prior art to make the Examiner's proposed modification to Warmuth, II et al '517. Therefore, Applicant requests that this Board overturn the rejection of claims 1-3, 12 and 15.

Please charge any deficiency or credit any overpayment pursuant to 37 C.F.R.

§ 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: August 13, 2007

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